

RCE/1635
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RCE
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/523,237
Filing Date	March 10, 2000
First Named Inventor	BECKER <i>et al.</i>
Group Art Unit	1635
Examiner Name	Shibuya, M.
Attorney Docket No.	GP068-03.CN1

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTOSB29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 9002 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- b. ☒ Enclosed
- i. ☒ Amendment Under 37 C.F.R. § 1.114 - 12 pgs.
- ii. ☒ Marked-Up Copy of Amendments - 1 pg.
- iii. ☒ Fee Transmittal - 1 pg. (in duplicate - 2 pgs. total)
- iv. ☒ Return Receipt Prepaid Postcard

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ Check in the amount of \$ 1,250.00 is enclosed
- b. ☒ The Director is hereby authorized to debit any deficiencies, or credit any overpayments, to Deposit Account No. 07-0835
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ _____ Month Extension of time fee (37 C.F.R. §§ 1.136 AND 1.17)
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

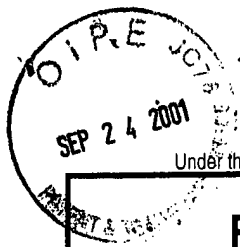
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Charles B. Cappellari	Registration No.	40,937	Telephone	(858) 410-8927
Signature				Date	September 19, 2001

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231.

Name (Print/Type)	Charles B. Cappellari	Date	September 19, 2001
Signature			



FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number **09/523,237**
Filing Date **March 10, 2000**
First Named Inventor **BECKER et al**
Group Art Unit **1635**
Examiner Name **Shibuya, M.**
Attorney Docket No. **GP068-03.CN1**

TOTAL AMOUNT OF PAYMENT (\$1,250.00)

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to debit any further fees required or credit any overpayments to:

Deposit Account No. **07-0835**
Deposit Account Name **Gen-Probe Incorporated**

☐ Charge any additional fee required under 37 CFR 1.16 and 1.17

2. ☒ Payment Enclosed: ☒ Check

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Filing Fee Description	Fee Paid
101	710	Utility	
106	320	Design	
114	150	Provisional	
108	710	Reissue	
SUBTOTAL (1)			\$

2. EXTRA CLAIM FEES

	Pending Claims	Already Paid For	Fee From Below	Fee Paid
Total Claims	50	-20 X	18.00	540.00
Ind. Claims	3	-3 X	0.00	0
Multiple. Dependent			0.00	

Large Fee Code	Entity Fee (\$)	Fee Description
103	18	Claims in excess of 20
102	80	Independent claims in excess of 3
104	270	Multiple dependent claim, if not paid
109	80	**Reissue independent claims over original patent
110	18	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		\$ 540.00

**or number previously paid, if greater;
For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Description	Fee Paid
105	130	Surcharge - late filing fee or oath.....	
127	50	Surcharge - late provisional filing fee or cover sheet.....	
139	130	Non-English specification	
147	2,520	Filing a request of <i>ex parte</i> reexamination	
112	920*	Requesting publication of SIR prior to Examiner action...	
113	1,840*	Requesting publication of SIR after Examiner action.....	
115	110	Extension for reply within first month	
116	390	Extension for reply within second month	
117	890	Extension for reply within third month	
118	1,390	Extension for reply within fourth month	
128	1,890	Extension for reply within fifth month	
119	310	Notice of Appeal	
120	310	Filing a brief in support of an appeal	
121	270	Request for oral hearing	
138	1,510	Petition to institute a public use proceeding	
140	110	Petition to revive - unavoidable	
141	1,240	Petition to revive - unintentional	
142	1,240	Utility issue fee (or reissue).....	
143	440	Design issue fee.....	
144	600	Plant issue fee.....	
122	130	Petitions to the Commissioner	
123	130	Petitions related to provisional applications.....	
126	180	Submission of Information Disclosure Statement.....	
581	40	Recording each patent assignment per property (Times number of properties / ____ applicants).....	
146	710	Submission after final rejection (37 CFR § 1.129(a)).....	
149	710	Each add'l invention to be examined (37 CFR § 1.129(b))...	
179	710	Request for Continued Examination (RCE).....	
169	900	Request for expedited examination - design application..	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ **710.00**

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Charles B. Cappellari	Registration No.	40,937	Telephone	(858) 410-8927
Signature		Date	September 19, 2001		